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November 5, 2019

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 - 12th Street, S.W.
Washington, D.C. 20554

Ex Parte

Re: Notice of Ex Parte Presentation, ET Docket No. 18-295, WC Docket No. 19-126; WC Docket No. 10-90 and WC Docket No. 17-84.

Dear Ms. Dortch:

The Utilities Technology Council (“UTC”) is providing the following ex parte notification in the above-referenced proceedings in accordance with Section 1.1206 of the Commission’s Rules. On November 1, 2019, Joy Ditto, President & CEO of UTC, along with Robert Thormeyer, UTC Senior Director of Communications and Advocacy, and the undersigned from UTC met with Commissioner Geoffrey Starks and William Davenport, Chief of Staff and Senior Legal Advisor for Wireless and International in the Office of Commissioner Starks, to discuss matters related to the above-referenced proceedings.

During the meeting, UTC explained that utilities and other critical infrastructure industries operate extensive microwave communications systems in the 6 GHz band, which they use to support the safe, reliable and secure delivery of essential services. UTC further explained potential interference from unlicensed operations represents an unreasonable risk to the performance of these microwave systems in the 6 GHz band. Therefore, UTC urged the Commission to refrain from allowing unlicensed operations in the 6 GHz band, and require further field testing of the automated frequency control technology proposed to mitigate harmful interference before any such unlicensed operations should be permitted in the band.

UTC also described how utilities were promoting broadband deployment to unserved and underserved areas, and urged the Commission to enable opportunities for utilities to compete for access to broadband funding that will be made available through the Rural Digital Opportunity Fund (“RDOF”). UTC noted that utilities were recently awarded over \$225 million in funding in the Connect America Fund Phase II auction, and thanked the Commission for promulgating rules that encouraged utilities to compete in the CAFII auction. To continue that success in the RDOF, UTC urged the Commission to support investment in and deployment of broadband networks that are capable of providing faster speeds, lower latency and that will offer consumers in rural and unserved areas robust, reliable, and affordable broadband services that are reasonably comparable to the quality and cost of broadband services that are available in urban areas. UTC also explained that some utilities are restricted by state law from providing broadband services on a retail basis and they are therefore unable to obtain Eligible Telecommunications Carrier (“ETC”) status. Consistent with UTC’s comments on the record, UTC urged the Commission to permit such utilities to apply for and obtain access to broadband funding under RDOF without obtaining ETC status.

Finally, UTC described how utilities also promote broadband access by providing third parties with access to pole attachments. UTC explained that utilities must ensure that the safety, reliability and security of critical infrastructure is maintained throughout the pole attachment process. In that regard, UTC opposed a recent petition filed by CTIA which seeks to expand pole attachment regulation to include light poles, require access to the unusable space on poles, and prevent utilities from negotiating terms and conditions for pole attachments.¹ UTC explained that the CTIA petition is contrary to the Commission's statutory authority, legal precedent and policies, because light poles are not part of the electric distribution network and are not subject to pole attachment jurisdiction. In addition, UTC explained that such regulation is unnecessary and would prove counterproductive to the rapid deployment of 5G, because utilities are already providing access to light poles and regulation would interfere with the free market that exists for wireless access generally, including small cells from 5G. Moreover, UTC further explained that requiring access to the unusable space would raise safety and reliability issues, and preventing utilities from negotiating the terms and conditions for pole attachments would only delay the approval process and the deployment of broadband infrastructure. Given that telecommunications service is enabled by electricity, the degradation of utility infrastructure is counterproductive to robust 5G (or any) communications networks. Partnerships rather than adversarial relationships should be encouraged by the Commission.

Thank you for your help in this matter. If there are any questions concerning this matter, please contact the undersigned.

Respectfully,



Brett Kilbourne

Cc: FCC Participants

¹ Wireless Telecommunications Bureau and Wireline Competition Bureau Seek Comment on WIA Petition for Rulemaking, WIA Petition for Declaratory Ruling and CTIA Petition for Declaratory Ruling, Public Notice, DA 19-913 (rel. Sept. 13, 2019). *See also In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment* (WC Docket No. 17-84), Order Granting Extension of Time, DA 19-978 (rel. Sept. 30, 2019)(directing parties to file all comments that exclusively concern pole attachment issues only in WC Docket No. 17-84). *And see* Opposition to the Petition for Declaratory Ruling of the Edison Electric Institute, the Utilities Technology Council and the National Rural Electric Cooperative Association in WC Docket No. 17-84 (filed Oct. 29, 2019).